

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 ROB J. SIMMONS, No. C 09-03345 CW (PR)  
4 Plaintiff,  
5 v. ORDER OF DISMISSAL WITHOUT  
6 OFFICER JOHNASEN, et al., PREJUDICE  
7 Defendants.  
8 \_\_\_\_\_/

9 On July 21, 2009, Plaintiff, a state prisoner, filed the  
10 present pro se prisoner complaint under 42 U.S.C. § 1983, and this  
11 action was assigned to the Honorable Ronald M. Whyte. On the same  
12 day the action was filed the Clerk of the Court sent a notice to  
13 Plaintiff, informing him that his action could not go forward until  
14 he paid the filing fee or filed a completed prisoner's in forma  
15 pauperis application. The Clerk sent Plaintiff a blank in forma  
16 pauperis application and told him that he must pay the fee or  
17 return the completed application within thirty days or his action  
18 would be dismissed.

19 On September 11, 2009, Judge Whyte reassigned this case to the  
20 undersigned.

21 More than thirty days have passed and Plaintiff has not paid  
22 the required filling fee or submitted his in forma pauperis  
23 application.

24 Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The  
25 Clerk shall close the file.

26 IT IS SO ORDERED.

27 Dated: 10/16/2009

28 CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE



UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

SIMMONS et al,

**Plaintiff,**

Case Number: CV09-03345 CW

V.

JOHNASEN et al

Defendant.

## **CERTIFICATE OF SERVICE**

JOHNASEN et al,

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

11 That on October 16, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
in the Clerk's office.

15 Rob J. Simmons G55339  
San Quentin State Prison  
16 San Quentin, CA 94974

17 || Dated: October 16, 2009

Richard W. Wieking, Clerk  
By: Clara Pierce, Deputy Clerk